IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 2969 of 2007(C)

PETITIONER:

RAJAN.C., S/O.CHELLAYYAN,
THIKKOTTATHU VEEDU, VADAKKEVILA,
BALARAMAPURAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENTS:
---

1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. SUB INSPECTOR OF POLICE,
BALARAMAPURAM POLICE STATION,
BALARAMAPURAM.

BY P.P. SRI. S.U. NAZAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2969 of 2007(C)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 – TRUE COPY OF THE RELEVANT PAGES OF DRIVING LICENCE ISSUED BY THE MOTOR VEHICLE AUTHORITY.

EXT.P2 – TRUE COPY OF THE OFFICIAL MEMORANDUM ISSUED BY THE JUDICIAL FIRST CLASS MAGISTRATE-IV(MOBILE), THIRUVANANTHAPURAM DATED 22/11/2006.

//TRUE COPY//

R. BASANT, J.

W.P.(C)NO. 2969 OF 2007-C

Dated this the 13th day of February, 2007

JUDGMENT

The petitioner claims to be a contract carriage operator. According to him, the 2nd respondent is unnecessarily creating obstructions to the running of the contract carriage by him. This, the petitioner alleges, is, in turn, based on Ext.P2 letter issued by the Judicial Magistrate of the First Class-IV (Mobile), Trivandrum, to the 2nd respondent. In that, the learned Magistrate has brought to the notice of the 2nd respondent that an untoward incident had taken place on 17/11/06 consequent to an attack on the police personnel attached to the Mobile Court by persons running the parallel services at Balaramapuram. The learned Magistrate had hence advised the 2nd respondent to ensure that the parallel services are not operated within the limits of the Police Station.

2. I can find absolutely nothing wrong if the 2nd respondent only ensures the due and proper implementation of law by preventing unauthorised running of parallel services without due authority. Whether the 2nd respondent does it

himself or is cautioned/advised by the Mobile Magistrate to do so, the action of the 2nd respondent cannot be found fault with.

3. The learned counsel for the petitioner submits that under the guise of the letter – Ext.P2 allegedly issued by the Magistrate, the 2nd respondent is interfering with the legal and justifiable activity of plying contract carriages by the petitioner and others similarly situated.

4. If there be any specific complaint, the petitioner shall be at liberty to bring it to the notice of the authorities/courts. The conduct of the 2nd respondent of preventing the running of the parallel services or the direction/advice in Ext.P2 issued by the Judicial Magistrate of the First Class-IV (Mobile), Trivandrum, cannot, at any rate, be held to be incorrect, improper or illegal. I am, in these circumstances, satisfied that no directions against the 2nd respondent can or need be issued. Needless to say that the 2nd respondent cannot, in law, prevent the legitimate operation of the contract carriages in accordance with the permits granted under law.

5. With the above observations, this writ petition is dismissed.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy// P.S. To Judge